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DAC/JRW

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Ehwald et al.

Docket No.

010462-US

Application No.  
09/865,338

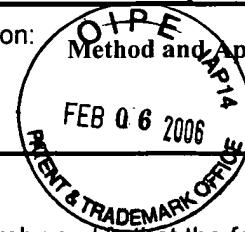
Filing Date  
28 May 2001

Examiner  
Larkin, Daniel Sean

Customer No.  
30234

Group Art Unit  
2856

Invention: **Method and Apparatus for Measuring Viscosity**



I hereby certify that the following correspondence:

**Petition for Unavoidably Abandoned Application and Supportive Documents**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**4 February 2006**

*(Date)*

**Karl Hormann**

*(Typed or Printed Name of Person Mailing Correspondence)*

*(Signature of Person Mailing Correspondence)*

**EQ 516365245 US**

*("Express Mail" Mailing Label Number)*

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 09/865,338  
Filed 28 May 2001  
By: Ehwald et al.  
For: Method and Apparatus  
for Measuring Viscosity

Examiner: Larkin, Daniel Sean  
Group Art Unit: 2856

86 Sparks Street  
Cambridge MA 02138-2216  
3 February 2006

Hon.  
Assistant Commissioner for Patents  
Washington DC 20231

**Petition for Revival of Unavoidably Abandoned Patent Application  
Under 37 C.F.R. 1.137(a)**

Sir:

Checking the PAIR system has revealed that the instant application is considered to be abandoned for alleged "failure to respond to office action". Since the last office action received by the undersigned attorney is dated 25 September 2002, the abandonment appears to be in error and in any event unavoidable since a response was dispatched to the Patent and Trademark Office under certificate of first class mailing dated 23 January 2003, subsequent to petitioning for an extension of one month for responding to that office action. Simultaneously with their response Applicants also filed a proposal for amending Fig. 1 of their drawings. Neither the post card receipt sent with the petition nor the post card receipt sent with the response have been returned to date.

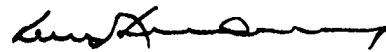
However, check No. 6518 in payment for the extension was cleared and confirms the entry in the transaction history retrieved from PAIR to the effect that the extension of time was granted.

But for a post card receipt acknowledging receipt by the Patent and Trademark Office on 12 January 2006 of Applicants' status inquiry of 9 January 2006, no correspondence has been had from the Patent and Trademark Office since the Office Action of 25 September 2002. Since the undersigned attorney's foreign correspondent received its copy of the response to the office action, it can only be assumed that the response sent to the Patent and Trademark Office was lost in transit.

In the circumstances, Applicants courteously petition that their unavoidably abandoned application be revived and that its prosecution be continued on the basis of their earlier response, a copy of which is enclosed.

The petition fee (\$250.00) pursuant to 37 C.F.R. 1.17(l) (small entity) is enclosed.

Respectfully submitted,



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Karl Hormann  
Registration No.: 26,470

Area Code (617)-491-8867  
Enclosures